



SACHI A. HAMAI
Interim Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

July 20, 2015

To: Mayor Michael D. Antonovich
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

From: Sachi A. Hamai
Interim Chief Executive Officer

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SACRAMENTO UPDATE

Executive Summary

This memorandum contains a report on the following legislation of County interest:

- **SB 415 (Hueso).** This measure relates to the consolidation of elections, passed the Assembly Floor on July 16, 2015.
- **SB 439 (Allen).** This measure would permit conditional voter registration and provisional voting at satellite offices prior to an election day, and provide for the regulation of electronic poll books and ballot-on-demand systems.
- **SB 548 (De León).** This measure would authorize licensed and unlicensed family child care providers to form and participate in a single, statewide child care provider organization to negotiate collectively with the State.

Status of Legislation of County Interest

SB 415 (Hueso), which as amended on June 23, 2015, would, effective January 1, 2018, generally prohibit a local election on a date other than the date of a statewide election if a non-concurrent election date has historically resulted in a 25 percent or

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higher reduction in voter turnout compared to the statewide election date, passed the Assembly Floor by a vote of 45 to 30 on July 16, 2015. This measure now proceeds to the Senate for concurrence in the Assembly amendments.

SB 439 (Allen), which as amended on June 11, 2015, would permit conditional voter registration and provisional voting at satellite offices prior to an election day, and provide for the regulation of electronic poll books and ballot-on-demand systems.

Under current law, a county elections official may offer conditional voter registration and provisional voting on an election day at permanent and satellite offices. Existing law requires an elections official to provide precinct officers a printed index of registered voters in a precinct. The Secretary of State currently regulates the manufacture and use of ballot cards. An electronic poll book (e-poll book) is an electronic list of registered voters accessed by a poll worker on a laptop or tablet. A ballot-on-demand (BOD) system is an on-site custom ballot printer. When an e-poll book and BOD system are used in concert, a poll worker can identify a voter with the e-poll book and print that voter's specific ballot at whatever voting location the voter decides to use.

SB 439 would: 1) permit county elections officials to offer conditional voter registration and provisional voting at permanent and satellite offices during the two weeks immediately preceding an election or on election day; 2) require the Secretary of State to adopt and publish standards and regulations governing the certification and use of e-poll books; 3) prohibit the purchase or use of e-poll books until it is certified by the Secretary of State; and 4) require the Secretary of State to adopt regulations governing the manufacture and certification of ballot-on-demand systems.

The Registrar-Recorder/County Clerk (RR/CC) supports SB 439 because it would expand access to voter registration and increase opportunities for eligible voters to successfully cast a ballot. The RR/CC reports that SB 439 includes the clear statutory authority and criteria for the use of BOD systems and e-poll books which would help to make the voting process more secure and cost-effective, and make the voter experience quicker and more convenient.

The Registrar-Recorder/County Clerk indicates that e-poll books would provide many benefits and new capabilities as an alternative to paper rosters for voter check-in. The benefits derived from e-poll books, some of which would be dependent on an Internet connection, include: 1) faster and more accurate voter check-in; 2) access to the entire voter database; 3) faster post-election reconciliation; and 4) electronic signature capture. The RR/CC also reports that the BOD printing systems proposed in SB 439 could be used in permanent and satellite locations to provide any voter with his or her proper ballot regardless of the precinct to which he or she is assigned. The RR/CC

reports that a BOD system could also save County resources by significantly decreasing the number of unused ballots in each election.

The Registrar Recorder/County Clerk further notes that SB 439 would reduce administrative barriers to voting, increase voter participation, and compliment the County's Voting System Assessment Project. The bill also aligns with the RR/CC's research related to modernizing and improving the County's voting systems and voter experience.

There is no existing Board-approved policy to support legislation which would permit conditional voter registration and provisional voting at satellite offices prior to an election day. Therefore, support for SB 439 is a matter for Board policy determination.

SB 439 is supported by the: California Association of Clerks and Election Officials; California Common Cause; California State Council of the Service Employees International Union; California Public Interest Research Group; and Secretary of State Alex Padilla. The bill has no opposition on file. SB 439 passed the Assembly Elections and Redistricting Committee by a vote of 5 to 2 on July 15, 2015. This measure now proceeds to the Assembly Appropriations Committee.

SB 548 (De León), which as amended on June 1, 2015, would: 1) authorize licensed and unlicensed family child care providers to form and participate in a single, statewide child care provider organization to negotiate collectively with the State; 2) require that there be no more than one bargaining unit at any time; 3) require entities that make subsidy payments to providers, including contractors or subcontractors of State agencies and departments, to deduct membership dues from those subsidy payments; 4) require the bargaining unit and the State to establish a Joint Committee Partnership on Child Care Training, Education, and Quality Improvement to issue recommendations annually, and to implement the recommendations; and 5) express the intent of the Legislature to create additional slots in the Alternative Payment Program for low-income children, and the intent to allocate \$1.0 million to carry out the initial recommendations, among other provisions.

According to County Counsel, based on a review of SB 548, the sharing of Personal Identifiable Information (PII) to the collective bargaining group (union) without the prior consent of the childcare providers for that purpose, could violate current law under Welfare and Institutions Code Section 10850 relating to confidentiality. County Counsel

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indicates that the bill appears to require the State, not the counties, to release the PII. Thus, this may be more of an issue for the State; however, the State could turn to individual counties for this information.

The Office of Child Care indicates that in regard to the provision in SB 548 which would require entities that make subsidy payments to providers to deduct membership dues from those subsidy payments, the role of the Alternative Payment Programs is unclear. Additionally, there could be an administrative burden for these entities to collect membership fees should SB 548 be enacted.

The Department of Public Social Services (DPSS) also indicates that the County impact of the provision under the bill regarding the requirement that entities that make subsidy payments to providers to deduct membership dues from those subsidy payments, is unknown at this time based on the current version of SB 548.

This office will continue to work with County Counsel, the Office of Child Care and DPSS to determine any potential impact of SB 548 to the County.

SB 548 is currently pending in the Assembly Appropriations Committee.

We will continue to keep you advised.

SAH:JJ:MR
VE:IGEA:ma

c: All Department Heads
Legislative Strategist
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Coalition of County Unions
California Contract Cities Association
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